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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,949	04/21/2000	Yasuo Nomura	SONY-T0472	6510
22850	7590	06/01/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ONUAKU, CHRISTOPHER O	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/556,949	NOMURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher Onuaku	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 November 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.  
 4a) Of the above claim(s) 8-24 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 and 25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 September 2000 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/22/04 have been fully considered but they are not persuasive.

Applicant argues that Aotake fails to disclose or teach that a first interface used for recording and a second interface used for reproduction share a reproducing button through which to input orders for operating the recording unit and a playback button through which to input orders for operating the reproducing unit, and that, therefore, the reproduction user interface, and the recording user interface described by Aotake fail to share any operational user inputs, or buttons. Examiner disagrees.

As discussed in claim 1 rejections below, when the "Slipclip" item is clicked by operating the mouse 22, 5 items representing application program, namely, "slip recorder", "clip editor", "clip viewer", "video CD creator", and "video CD copy tool" are displayed on the screen (see Fig.1,2&5; mouse 22; col.23, lines 15-23), and, for example, in order to carry out a slip playback operation, the user selects a "Slip" item from a "Playback" menu (see col.35, lines 9-25). It is, therefore, clear that the mouse 22 (input means) and display means (see display apparatus 51 of Fig.5) are used and shared interface means during the recording and playback processes.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7&25 are rejected under 35 U.S.C. 102(e) as being anticipated by Aotake (US 6,411,771).

Regarding claim 1, Aotake discloses a picture processing apparatus/method, and a recording medium being capable of carrying out search of a desired scene with ease, comprising:

- a) recording unit configured to record a first supplied picture (see Fig.5, col.8, lines 19-55; col.23, lines 38-51);
- b) reproducing unit configured to reproduce a second recorded picture (see col.35, line 914-25);
- c) display controlling unit configured to provide display control in such a manner as to display a first user interface when the recording unit records the first picture supplied (see col.23, lines 38-51) and to display a second user interface when the reproducing unit reproduces the second picture recorded (see col.35, lines 9-25);
- d) wherein the first and second user interfaces share a recording button through which to input orders for operating the recording unit and a playback button through

which to input orders for operating the reproducing unit (see Fig.1,2&5; mouse 22; col.23, lines 15-23), here when the "Slipclip" item is clicked by operating the mouse 22, 5 items representing application program, namely, "slip recorder", "clip editor", "clip viewer", "video CD creator", and "video CD copy tool" are displayed on the screen.; and in order to carry out a slip playback operation, the user selects a "Slip" item from a "Playback" menu (see col.35, lines 9-25).

From the above discussions, it is clear that the mouse 22 (input means) and display means (see display apparatus 51 of Fig.5) are used during the recording and playback processes.

Regarding claim 2, Aotake discloses wherein the recording means records simultaneously at least one picture making up the first picture (see col.35, lines 38-52), here the word "REC" is displayed to indicate that the recording process is going on at the instant

Regarding claim 3, Aotake discloses wherein the reproducing means reproduces simultaneously at least one picture making up the second picture (see col.35, lines 16-25), here the word "PLAY" is displayed to indicate that the reproducing process is going on at the instant

Regarding claim 4, Aotake discloses wherein the display controlling means provides display the same position (see col.39, lines 15-22 and col.8, lines 33-36), here

Aotake discloses that in the shared mode, the MPEG1 real time encoder board 213 is allowed to write (control in such a manner that the first and second user interface appear in substantially record) an MPEG system stream into the MPEG file, and, at the same time, the MPEG1 software decoder 201A is allowed to read out (playback) the MPEG stream as well. And following the processes of recording and playing back discussed above, when the recording and playing back processes are executed at the same time, in the shared mode, the first screen (slip recorder main window 301 of Fig.7) and the second screen (playback window 341 of Fig.15) will appear substantially the same poison.

Regarding claim 5, Aotake discloses wherein the display controlling means displays the first user interface in such a manner as to place a first and second display thereof into a first and a second state respectively, the first display in the first state accepting an input of orders via a recording button for operating the recording means, the second display in the second state accepting an input of orders via a playback button for operating the reproducing means, the display controlling means further displaying the second user interface in such a manner as to place the first and second display thereof into the second and the first state respectively, the first display in the second state accepting an input of orders via a recording button for operating the recording means, the second display in the first state accepting an input of orders via a playback button for operating the reproducing means (see claims 2&3 discussions

above), here examiner reads the first state as the recording state and the second state as the reproducing state.

Regarding claim 6, the claimed limitations of claim 6 are accommodated in the discussions of claim 1 above.

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claim 1 above., including the claimed medium, which examiner reads as a recording medium (see Fig.5, and the main memory unit 202; col.8, lines 55-63).

Regarding claim 25, the claimed limitations of claim 25 are accommodated in the discussions of claim 1 above.

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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5/26/05

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